

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MICHAEL J. NABOURS,

Petitioner,

v.

Civ. 12-426 RB/GBW

CHRISTOPHER BARELA,

Respondent.

**PROPOSED FINDINGS & RECOMMENDED DISPOSITION**

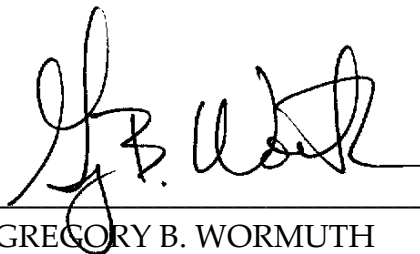
I issued my Proposed Findings and Recommended Disposition (“PFRD”) as to Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on August 16, 2012. *Doc. 8*. The PFRD recommended that the Petition be dismissed without prejudice for failure to exhaust state review of his claims. *Id.* The PFRD was twice mailed to Petitioner at the address provided by him: the Dona Ana County Detention Center in Las Cruces, NM. *Docs. 9 & 10*. Both times the document was returned to the Court as undeliverable. *Id.*

I then issued an Order to Show Cause on September 24, 2012, requiring that Petitioner “show cause in writing no later than fourteen (14) days from the entry of this Order why the Court should not dismiss the case for failure to comply with the Local Rule” D.N.M.LR-Civ. 83.6, which requires that parties keep their mailing addresses

updated. *Doc. 11*. The Order stated that “[f]ailure to respond to this Order shall constitute an independent basis for dismissal.” *Id.* at 2.

On October 4, 2012, the Order was returned to the Court as undeliverable. *Doc. 12*. A stamp on the envelope states that Petitioner is “No Longer At This Facility.” *Id.*

Wherefore, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** for failure to comply with D.N.M.LR-Civ. 83.6.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**